



March 30, 2001

ENGROSSED HOUSE BILL No. 1130

DIGEST OF HB 1130 (Updated March 29, 2001 9:06 AM - DI 51)

Citations Affected: IC 33-2.1; IC 33-11.6; IC 33-19.

Synopsis: Court fees for document management. Imposes a document storage fee and an automated record keeping fee in all civil, criminal, infraction, and ordinance violation cases. Provides that the document storage fee is to be deposited in the court clerk's record perpetuation fund. Provides that the automated record keeping fee is to be transferred to the state for distribution of money to the judicial technology and automation project fund. Appropriates the money in the fund to the use of the project. Raises the bailiff's service fee for cases filed in the Marion County small claims court from \$6 to \$13.

Effective: July 1, 2001.

Kersey, Saunders, Richardson

(SENATE SPONSORS — LONG, RIEGSECKER)

January 9, 2001, read first time and referred to Committee on Judiciary.

February 20, 2001, amended, reported — Do Pass.

February 26, 2001, read second time, ordered engrossed.

February 27, 2001, engrossed. Read third time, passed. Yeas 92, nays 0.

SENATE ACTION

March 5, 2001, read first time and referred to Committee on Judiciary.

March 29, 2001, amended, reported favorably — Do Pass; reassigned to Committee on Finance.

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EH 1130—LS 6706/DI 51+



March 30, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED HOUSE BILL No. 1130

A BILL FOR AN ACT to amend the Indiana Code concerning courts and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-2.1-7-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The division of
3 state court administration shall do the following:
4 (1) Examine the administrative and business methods and systems
5 employed in the offices of the clerks of court and other offices
6 related to and serving the courts and make recommendations for
7 necessary improvement.
8 (2) Collect and compile statistical data and other information on
9 the judicial work of the courts in the state. All justices of the
10 supreme court, judges of the court of appeals, judges of all trial
11 courts in the state, and any city or town courts, whether having
12 general or special jurisdiction, court clerks, court reporters, and
13 other officers and employees of the courts shall, upon notice by
14 the executive director and in compliance with procedures
15 prescribed by the executive director, furnish the executive
16 director such information as is requested concerning the nature
17 and volume of judicial business. The information reports shall

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include, but not be limited to, the volume, condition, and type of business conducted by the courts, the methods of procedure therein, the work accomplished by the courts, the receipt and expenditure of public money by and for the operation of the courts, and the methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) nor more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-2.1-11.

(6) Administer the judicial technology and automation project fund established by section 10 of this chapter.

(b) All forms to be used in the gathering of data must be approved by the supreme court, and shall be distributed to all judges and clerks prior to the start of each period for which reports are required.

SECTION 2. IC 33-2.1-7-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 10. (a) The judicial technology and automation project fund is established for the purpose of funding the judicial technology and automation project. The division of state court administration shall administer the fund. The fund consists of the following:**

(1) Deposits made under IC 33-19-9-4.

(2) Other appropriations made by the general assembly.

(3) Grants and gifts designated for the fund or the judicial technology and automation project.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) There is annually appropriated to the division of state court administration the money in the fund for the judicial technology and automation project.

SECTION 3. IC 33-11.6-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 15. (a) The costs consist of:**

(1) a township docket fee equal to five dollars (\$5) plus forty-five

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percent (45%) of the infraction or ordinance violation costs fee under IC 33-19-5-2;

(2) bailiff's service of process by registered or certified mail fee of ~~six~~ **thirteen** dollars (~~\$6~~) (**\$13**) for each service;

(3) the cost for the personal service of process by the bailiff or other process server in the amount of ~~eight~~ **thirteen** dollars (~~\$8~~) (**\$13**) for each service; ~~with the exception that personal service to execute a warrant for a protective order under IC 34-26-2 (or IC 34-4-5.1 before its repeal) shall cost a fee of twelve dollars (\$12) and writs of restitution and writs of replevin shall cost a fee of twelve dollars (\$12);~~

(4) witness fees, if any, in the amount provided by IC 33-19-1-6 to be taxed and charged in the circuit court of the county; and

(5) a redocketing fee, if any, of five dollars (\$5).

The docket fee and the cost for the initial service of process shall be paid upon the institution of each case. The cost of service rendered subsequent to the initial service shall be assessed and paid after such service has been made, and the cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 4. IC 33-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) A drug abuse, prosecution, interdiction, and correction fee.
- (6) An alcohol and drug countermeasures fee.
- (7) A child abuse prevention fee.
- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).
- (11) A document storage fee (IC 33-19-6-18).**
- (12) An automated record keeping fee (IC 33-19-6-19).**



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(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) First, the clerk shall apply the partial payment to general court costs.
- (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
- (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
- (4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.
- (5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 5. IC 33-19-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance

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violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) An alcohol and drug services program user fee.
- (3) A law enforcement continuing education program fee.
- (4) An alcohol and drug countermeasures fee.
- (5) A highway work zone fee.
- (6) A deferred prosecution fee (IC 33-19-6-16.2).
- (7) A document storage fee (IC 33-19-6-18).**
- (8) An automated record keeping fee (IC 33-19-6-19).**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:

- (1) The alcohol and drug services program user fee.
- (2) The law enforcement continuing education program fee.
- (3) The deferral program fee.

(d) The defendant is not liable for any ordinance violation costs fee in an action in which:

- (1) the defendant was charged with an ordinance violation subject to IC 33-6-3;
- (2) the defendant denied the violation under IC 33-6-3-2;
- (3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and
- (4) the defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 6. IC 33-19-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) For each action filed under:

- (1) IC 31-34 or IC 31-37 (delinquent children and children in

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1 need of services); or
 2 (2) IC 31-14 (paternity);
 3 the clerk shall collect a juvenile costs fee of one hundred twenty dollars
 4 (\$120).

5 (b) In addition to the juvenile costs fee collected under this section,
 6 the clerk shall collect the following fees if they are required under
 7 IC 33-19-6:

- 8 (1) A document fee.
- 9 (2) A marijuana eradication program fee.
- 10 (3) An alcohol and drug services program user fee.
- 11 (4) A law enforcement continuing education program fee.
- 12 (5) An alcohol and drug countermeasures fee.
- 13 **(6) A document storage fee (IC 33-19-6-18).**
- 14 **(7) An automated record keeping fee (IC 33-19-6-19).**

15 (c) The clerk shall transfer to the county auditor or city or town
 16 fiscal officer the following fees, within thirty (30) days after they are
 17 collected, for deposit by the auditor or fiscal officer in the appropriate
 18 user fee fund established under IC 33-19-8:

- 19 (1) The marijuana eradication program fee.
- 20 (2) The alcohol and drug services program user fee.
- 21 (3) The law enforcement continuing education program fee.

22 SECTION 7. IC 33-19-5-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) For each civil
 24 action except:

- 25 (1) proceedings to enforce a statute defining an infraction under
- 26 IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- 27 (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or
- 28 IC 34-4-32-4 before its repeal);
- 29 (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- 30 (4) proceedings in paternity under IC 31-14;
- 31 (5) proceedings in small claims court under IC 33-11.6; and
- 32 (6) proceedings in actions under section 6 of this chapter;

33 the clerk shall collect from the party filing the action a civil costs fee
 34 of one hundred dollars (\$100), except as provided in subsection (b).

35 (b) For each proceeding for the issuance of a protective order under
 36 IC 34-26-2:

- 37 (1) the clerk shall initially collect thirty-five dollars (\$35) of the
- 38 civil costs fee from the party that filed the action or the court may
- 39 waive the initial thirty-five dollars (\$35) of the civil costs fee for
- 40 the party that filed the action; and
- 41 (2) upon disposition of the protective order petition under
- 42 IC 34-26-2, the court may order that:

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(A) the remainder of the civil costs fee, in the amount of sixty-five dollars (\$65), be assessed against the respondent in the action as provided in IC 34-26-2-4 or against the party that filed the action; and

(B) the initial thirty-five dollar (\$35) civil costs fee be reimbursed by the respondent in the action to the party that filed the action or assessed against the respondent in the action as provided in IC 34-26-2-4.

(c) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A support and maintenance fee.

(3) A document storage fee (IC 33-19-6-18).

(4) An automated record keeping fee (IC 33-19-6-19).

SECTION 8. IC 33-19-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a small claims costs fee of thirty-five dollars (\$35).

(b) In addition to a small claims costs fee collected under this section, the clerk shall collect:

(1) a document fee;

(2) a document storage fee (IC 33-19-6-18); and

(3) an automated record keeping fee (IC 33-19-6-19);

if ~~it~~ **the collection** is required under IC 33-19-6.

SECTION 9. IC 33-19-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Except as provided under subsection (c), for each action filed under:

(1) IC 6-4.1-5 (determination of inheritance tax);

(2) IC 29 (probate); and

(3) IC 30 (trusts and fiduciaries);

the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120).

(b) In addition to the probate costs fee collected under this section, the clerk shall collect from the party filing the action:

(1) a document fee;

(2) a document storage fee (IC 33-19-6-18); and

(3) an automated record keeping fee (IC 33-19-6-19);

if ~~it~~ **the collection** is required under IC 33-19-6.

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

(1) Petition to open a safety deposit box.

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(2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.

(3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 10. IC 33-19-6-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a) Each clerk shall establish a clerk's record perpetuation fund. The clerk shall deposit in the fund all:

- (1) revenue received by the clerk for the transmitting of documents by facsimile machine to a person under IC 5-14-3; and
- (2) **document storage fees required under section 18 of this chapter.**

(b) The clerk may use any money in the fund for the following purposes:

- (1) The preservation of records.
- (2) The improvement of record keeping systems and equipment.

SECTION 11. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 18. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.**

(b) The clerk shall collect a document storage fee of two dollars (\$2).

SECTION 12. IC 33-19-6-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 19. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.**

(b) The clerk shall collect an automated record keeping fee of two dollars (\$2).

SECTION 13. IC 33-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the

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auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

SECTION 14. IC 33-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).



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(4) IC 33-19-5-5 (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5 (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5 (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(5) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this

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subsection into the county drug free community fund established under IC 5-2-11.

SECTION 15. IC 33-19-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The treasurer of state shall semiannually distribute one million ~~eighty-seven two~~ **hundred eighty-eight** thousand ~~five hundred~~ dollars (~~\$1,087,500~~) (**\$1,288,000**) of the amounts transferred to the state fund under section 3 of this chapter as follows:

(1) ~~Seventeen Fourteen~~ and ~~seventy-three ninety-eight~~ hundredths percent (~~17.73%~~) (**14.98%**) shall be deposited into the alcohol and drug countermeasures fund established under IC 9-27-2-11.

(2) ~~Nine Eight~~ and ~~ninety-seven forty-two~~ hundredths percent (~~9.97%~~) (**8.42%**) shall be deposited into the drug interdiction fund established under IC 10-1-8-2.

(3) ~~Five Four~~ and ~~fifty-four sixty-eight~~ hundredths percent (~~5.54%~~) (**4.68%**) shall be deposited into the drug prosecution fund established under IC 33-14-8-5.

(4) ~~Six Five~~ and ~~sixty-five sixty-two~~ hundredths percent (~~6.65%~~) (**5.62%**) shall be deposited into the corrections drug abuse fund established under IC 11-8-2-11.

(5) ~~Twenty-six Twenty-two~~ and ~~sixty-hundredths forty-seven~~ hundredths percent (~~26.60%~~) (**22.47%**) shall be deposited into the state drug free communities fund established by IC 5-2-10-2.

(6) ~~Nine Seven~~ and ~~forty-five ninety-eight~~ hundredths percent (~~9.45%~~) (**7.98%**) shall be distributed to the Indiana department of transportation for use under IC 8-23-2-15.

(7) ~~Twenty-four Twenty~~ and ~~six-hundredths thirty-two~~ hundredths percent (~~24.06%~~) (**20.32%**) shall be deposited in the family violence and victim assistance fund established by IC 12-18-5-2.

(b) (8) The treasurer of state shall semiannually distribute the amount remaining after the distributions in subsection (a) to **Fifteen and fifty-three hundredths percent (15.53%) shall be deposited in the Indiana safe schools fund established by IC 5-2-10.1.**

(b) The treasurer of state shall semiannually distribute the amount remaining after the distributions in subsection (a) to the judicial technology and automation project fund established by IC 33-2.1-7-10.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1130, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 30, delete "legislative" and insert "**fiscal**".

Page 6, line 34, delete "legislative" and insert "**fiscal**".

Page 6, line 36, delete "legislative" and insert "**fiscal**".

Page 7, line 3, delete "legislative" and insert "**fiscal**".

Page 7, line 7, delete "legislative" and insert "**fiscal**".

Page 7, line 9, delete "legislative" and insert "**fiscal**".

and when so amended that said bill do pass.

(Reference is to HB 1130 as introduced.)

STURTZ, Chair

Committee Vote: yeas 10, nays 2.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1130, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-2.1-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The division of state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in the state. All justices of the supreme court, judges of the court of appeals, judges of all trial courts in the state, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director such information as is requested concerning the nature and volume of judicial business. The information reports shall include, but not be limited to, the volume, condition, and type of business conducted by the courts, the methods of procedure therein, the work accomplished by the courts, the receipt and expenditure of public money by and for the operation of the courts, and the methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) nor more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-2.1-11.

(6) Administer the judicial technology and automation project

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fund established by section 10 of this chapter.

(b) All forms to be used in the gathering of data must be approved by the supreme court, and shall be distributed to all judges and clerks prior to the start of each period for which reports are required.

SECTION 2. IC 33-2.1-7-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 10. (a) The judicial technology and automation project fund is established for the purpose of funding the judicial technology and automation project. The division of state court administration shall administer the fund. The fund consists of the following:**

- (1) Deposits made under IC 33-19-9-4.**
- (2) Other appropriations made by the general assembly.**
- (3) Grants and gifts designated for the fund or the judicial technology and automation project.**

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) There is annually appropriated to the division of state court administration the money in the fund for the judicial technology and automation project.

SECTION 3. IC 33-11.6-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 15. (a) The costs consist of:**

- (1) a township docket fee equal to five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-19-5-2;**
- (2) bailiff's service of process by registered or certified mail fee of ~~six~~ thirteen dollars (~~\$6~~) (\$13) for each service;**
- (3) the cost for the personal service of process by the bailiff or other process server in the amount of ~~eight~~ thirteen dollars (~~\$8~~) (\$13) for each service; with the exception that personal service to execute a warrant for a protective order under IC 34-26-2 (or IC 34-4-5.1 before its repeal) shall cost a fee of twelve dollars (\$12) and writs of restitution and writs of replevin shall cost a fee of twelve dollars (\$12);**
- (4) witness fees, if any, in the amount provided by IC 33-19-1-6 to be taxed and charged in the circuit court of the county; and**
- (5) a redocketing fee, if any, of five dollars (\$5).**

The docket fee and the cost for the initial service of process shall be

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paid upon the institution of each case. The cost of service rendered subsequent to the initial service shall be assessed and paid after such service has been made, and the cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number."

Page 6, line 14, after "," insert "**and**".

Page 6, line 16, delete "; and" and insert ".".

Page 6, delete lines 17 through 18.

Page 6, delete lines 23 through 25.

Page 6, delete lines 30 through 37.

Page 6, line 38, delete "(c) If an ordinance is adopted under subsection (b), the" and insert "**(b) The**".

Page 6, line 39, delete "." and insert "**of two dollars (\$2)**".

Page 7, delete lines 2 through 10.

Page 7, line 11, delete "(c) If an ordinance is adopted under subsection (b), the" and insert "**(b) The**".

Page 7, line 12, delete "." and insert "**of two dollars (\$2)**".

Page 7, after line 12, begin a new paragraph and insert:

"SECTION 13. IC 33-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees

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collected under IC 33-19-5-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

SECTION 14. IC 33-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5 (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5 (small claims costs fees).



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(5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(5) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

SECTION 15. IC 33-19-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The treasurer of state shall semiannually distribute one million ~~eighty-seven two hundred eighty-eight~~ thousand ~~five hundred~~ dollars (~~\$1,087,500~~) (**\$1,288,000**) of the amounts transferred to the state fund under section 3 of this chapter as follows:

- (1) ~~Seventeen~~ **Fourteen** and ~~seventy-three~~ **ninety-eight**



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hundredths percent (~~17.73%~~) **(14.98%)** shall be deposited into the alcohol and drug countermeasures fund established under IC 9-27-2-11.

(2) ~~Nine~~ **Eight** and ~~ninety-seven~~ **forty-two** hundredths percent (~~9.97%~~) **(8.42%)** shall be deposited into the drug interdiction fund established under IC 10-1-8-2.

(3) ~~Five~~ **Four** and ~~fifty-four~~ **sixty-eight** hundredths percent (~~5.54%~~) **(4.68%)** shall be deposited into the drug prosecution fund established under IC 33-14-8-5.

(4) ~~Six~~ **Five** and ~~sixty-five~~ **sixty-two** hundredths percent (~~6.65%~~) **(5.62%)** shall be deposited into the corrections drug abuse fund established under IC 11-8-2-11.

(5) ~~Twenty-six~~ **Twenty-two** and ~~sixty-hundredths~~ **forty-seven hundredths** percent (~~26.60%~~) **(22.47%)** shall be deposited into the state drug free communities fund established by IC 5-2-10-2.

(6) ~~Nine~~ **Seven** and ~~forty-five~~ **ninety-eight** hundredths percent (~~9.45%~~) **(7.98%)** shall be distributed to the Indiana department of transportation for use under IC 8-23-2-15.

(7) ~~Twenty-four~~ **Twenty** and ~~six-hundredths~~ **thirty-two hundredths** percent (~~24.06%~~) **(20.32%)** shall be deposited in the family violence and victim assistance fund established by IC 12-18-5-2.

(b) (8) The treasurer of state shall semiannually distribute the amount remaining after the distributions in subsection (a) to **Fifteen and fifty-three hundredths percent (15.53%) shall be deposited in the Indiana safe schools fund established by IC 5-2-10.1.**

(b) The treasurer of state shall semiannually distribute the amount remaining after the distributions in subsection (a) to the judicial technology and automation project fund established by IC 33-2.1-7-10."

Renumber all SECTIONS consecutively.

and when so amended that said bill be reassigned to the Senate Committee on Finance.

(Reference is to HB 1130 as printed February 21, 2001.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.



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